

**SUPREME COURT MINUTES
WEDNESDAY, JUNE 29, 2005
SAN FRANCISCO, CALIFORNIA**

S119067

C039031 Third Appellate District

PEOPLE v. WRIGHT

Rehearing denied

Request for modification denied.

Petition for rehearing denied.

Brown, J., was absent and did not participate.

S119248

B150912 Second Appellate District,

B151175 Division Three

B152562

BURBANK, CITY OF v. STATE WATER
RESOURCES CONTROL BOARD

Rehearing denied

Request for judicial notice denied.

Petitions for rehearing denied.

Requests for an order directing republication
of the Court of Appeal opinion are denied.

Brown, was absent and did not participate.

S036864

PEOPLE v. GUERRA (JOSE F.)

Supplemental briefing ordered

The parties are requested to brief the effect, if any, of *Johnson v. California* (No. 04-6964, June 13, 2005) 545 U.S. ____ (2005 WL 1383731) and *Miller-El v. Dretke* (No. 03-9659, June 13, 2005) 545 U.S. ____ (2005 WL 1383365) on the issues of this case.

Appellant is directed to file a supplemental appellant's opening brief limited to this question on or before July 19, 2005. Respondent is directed to file a supplemental respondent's brief limited to this question within 20 days of the filing of the supplemental appellant's opening brief. Appellant may file a supplemental reply brief limited to this question within 10 days of the supplemental respondent's brief.

Brown, J., was absent and did not participate.

S133402

A098073 First Appellate District,
A100745 Division One
A104701
A098330
A098910

MCRAE v. DEPARTMENT OF CORRECTIONS

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Yanowitz v. L'Oreal USA, Inc.*, S115154 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S133492

D044200 Fourth Appellate District,
D044662 Division One

PEOPLE v. YOUNG

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review granted.

Further action in this matter is deferred pending finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of this court. Submission of additional briefing pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Appellant's petition for review denied.

Brown, J., was absent and did not participate.
Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, and Moreno, JJ.

S134156

B170330 Second Appellate District,
Division Eight

PEOPLE v. ACOSTA

Review granted/briefing deferred (rule 29.1)

Respondent's petition for review granted.

Further action in this matter is deferred pending finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order

of this court. Submission of additional briefing pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Appellant's petition for review denied.

Brown, J., was absent and did not participate.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, and Moreno, JJ.

S127918

BRIGGS (JOSHUA JAMES) ON H.C.
Petition ordered withdrawn

pursuant to written request of petitioner.

S133989

SMITH (JOHN LEE) ON H.C.
Petition ordered withdrawn

pursuant to written request of petitioner.

S116824

ESPINOZA (ANTONIO) ON H.C.
Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus filed on June 19, 2003, is denied.

Each claim is denied on the merits for failure to state a prima facie case for relief.

The denial as to Claim I (*Atkins v. Virginia* (2002) 536 U.S. 304) is without prejudice to filing a new petition and supporting documentation to comply with the requirements of *In re Hawthorne* (2005) 35 Cal.4th 40.

Brown, J., was absent and did not participate.

S132897

B173785 Second Appellate District,
Division Six

WELLMAN v. RODMAN
Petition for review & publication request denied

Brown, J., was absent and did not participate.

S132953

B169759 Second Appellate District,
Division Five

PEOPLE v. ANGIANO
Petitions for review denied

Brown, J., was absent and did not participate.

S133113

B169295 Second Appellate District,
Division One

PEOPLE v. CUMMINS

Petitions for review denied

Petitions for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S133155

B178194 Second Appellate District,
Division Five

MARTINEZ (LEUGARDO) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S133166

B171583 Second Appellate District,
Division Seven

CONSUMER CAUSE v. MRS. GOOCH'S NATURAL
FOOD MARKETS (GIAMPIETRO)

Petition for review denied

Brown, J., was absent and did not participate.

S133176

F044370 Fifth Appellate District

PEOPLE v. HAGEDORN

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

Baxter, J., was recused and did not participate.
Brown, J., was absent and did not participate.

S133182

B170113 Second Appellate District,
B176035 Division Eight

PEOPLE v. TABIZON

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S133189

H027427 Sixth Appellate District

NGUYEN (VU DAI) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S133197

B166371 Second Appellate District,
Division One

PEOPLE v. ALEXANDER

Petition for review denied

Brown, J., was absent and did not participate.

S133229

F045788 Fifth Appellate District

B. (ELIZABETH), IN RE

Petition for review denied

Moreno, J., is of the opinion the petition should be granted.

Brown, J., was absent and did not participate.

S133230

G034638 Fourth Appellate District,
Division Three

WALKER (MICHAEL A.) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S133246

A109624 First Appellate District,
Division Three

HOWARD (KEVIN) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S133294

D043221 Fourth Appellate District,
Division One

PEOPLE v. ROBERTS

Petition for review denied

Brown, J., was absent and did not participate.

S133296

F045193 Fifth Appellate District
F045546

V. (RICARDO), IN RE

Petition for review denied

Moreno, J., is of the opinion the petition should
be granted.

Brown, J., was absent and did not participate.

S133340

F047335 Fifth Appellate District

FLORES (CARLOS) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S133356

A104529 First Appellate District,
Division Four

PEOPLE v. SERRANO

Petition for review denied

Brown, J., was absent and did not participate.

S133369

B179714 Second Appellate District,
Division Four

AVERY (MICHAEL) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S133409

C046397 Third Appellate District

PEOPLE v. DUNHAM

Petition for review denied

Brown, J., was absent and did not participate.

S133437

E033507 Fourth Appellate District,
Division Two

PEOPLE v. BROOKS

Petition for review denied

Petition for review denied without prejudice to
any relief to which defendant might be entitled
upon finality of *People v. Black* (June 20, 2005,
S126182) __ Cal.4th __, 2005 WL 1421815
<<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v.*

Washington (2004) 542 U.S. ___, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. ___, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S133497

B171718 Second Appellate District,
Division Three

PEOPLE v. SINGLETON

Petition for review denied

Brown, J., was absent and did not participate.

S133560

B164202 Second Appellate District,
Division Two

MAXIE v. PREIJERS

Petition for review denied

Brown, J., was absent and did not participate.

S133568

B181939 Second Appellate District,
Division Five

JOEL (RAYMOND A.) ON H.C.

Petition for review denied

Brown, J., was absent and did not participate.

S133642

C038802 Third Appellate District

PEOPLE v. CARMONY

Petition for review denied

Kennard and Baxter, JJ., are of the opinion the petition should be granted.

Brown, J., was absent and did not participate.

S133670

B171013 Second Appellate District,
Division Three

PEOPLE v. CAMILLE

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. ___, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. ___, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S133671

B179166 Second Appellate District,
Division Three

CAMILLE (JULES HAYES) ON H.C.
Petition for review denied

Brown, J., was absent and did not participate.

S133715

B170558 Second Appellate District,
Division Eight

PEOPLE v. MARTINEZ
Petition for review denied

Brown, J., was absent and did not participate.

S133745

G033023 Fourth Appellate District,
Division Three

CASEY v. U.S. BANK NATIONAL ASSOCIATION
Petition for review denied

Baxter and Chin, JJ., are of the opinion the
petition should be granted.
Brown, J., was absent and did not participate.

S133751

H024127 Sixth Appellate District

SANTA CRUZ COUNTY v. WATERHOUSE
Petition for review denied

Brown, J., was absent and did not participate.

S133752

F047833 Fifth Appellate District

TAYLOR (TIMOTHY) ON H.C.
Petition for review denied

Brown, J., was absent and did not participate.

S133776

G033186 Fourth Appellate District,
Division Three

ENSLEN v. KENNEDY
Petitions for review denied; CA opinion decertified

The request for depublication is granted. The
Reporter of Decisions is directed not to publish
in the Official Appellate Reports the opinion in
the above entitled appeal filed March 30, 2005,
which appears at 127 Cal.App.4th 1448. (Cal.
Const., art. VI, section 14; rule 976, Cal. Rules
of Court.)

Kennard, J. and Werdegar, JJ., are of the opinion
the petition should be granted.
Brown, J., was absent and did not participate.

S133785
C047688 Third Appellate District

PEOPLE v. WILLIAMSON
Petition for review denied

Brown, J., was absent and did not participate.

S133803
G033601 Fourth Appellate District,
Division Three

PEOPLE v. GONZALEZ
Petition for review denied

Brown, J., was absent and did not participate.

S133819
B166377 Second Appellate District,
Division Two

TRUCK INSURANCE EXCHANGE v. PACIFICARE
Petition for review denied

Brown, J., was absent and did not participate.

S133837
F044381 Fifth Appellate District

PEOPLE v. URBANO
Petition for review denied

Brown, J., was absent and did not participate.

S133857
F044848 Fifth Appellate District

PEOPLE v. PHILLIPS
Petition for review denied

Brown, J., was absent and did not participate.

S133925
A104983 First Appellate District,
Division Three

PEOPLE v. STEWART
Petition for review denied

Brown, J., was absent and did not participate.

S133928
C049407 Third Appellate District

SWENSON OAKS APTS v. WCAB; PEOPLES
Petition for review denied

Brown, J., was absent and did not participate.

S133961
C048378 Third Appellate District

KNIGHT v. S.C. (SCHWARZENEGGER)
Petition for review denied

Application to appear as counsel pro hac vice
granted.

Brown, J., was absent and did not participate.

S133962

B170110 Second Appellate District,
Division Three

PEOPLE v. VIRGEN

Petition for review denied

Brown, J., was absent and did not participate.

S133971

A103501 First Appellate District,
Division Five

PEOPLE v. CUNNINGHAM

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S133988

E035117 Fourth Appellate District,
Division Two

WATSON v. BERMUDA DUNES AIRPORT CORP

Petition for review denied

Brown, J., was absent and did not participate.

S133998

A106828 First Appellate District,
Division Three

PEOPLE v. ABDOUN

Petition for review denied

Brown, J., was absent and did not participate.

S134000

H026161 Sixth Appellate District

PEOPLE v. DIAZ

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S134003

B173812 Second Appellate District,
Division Five

PEOPLE v. MIMS

Petition for review denied

Brown, J., was absent and did not participate.

S134031

H026547 Sixth Appellate District

PEOPLE v. AVILA

Petition for review denied

Brown, J., was absent and did not participate.

S134055

F044332 Fifth Appellate District

PEOPLE v. BRYANT

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S134066

G035007 Fourth Appellate District,
Division Three

PETE'S BURGER STOP v. WCAB (WORKNHE)

Petition for review denied

Brown, J., was absent and did not participate.

S134085

C045011 Third Appellate District

HILLENBRAND v. INSURANCE COMPANY OF
NORTH AMERICA

Petition for review denied

Brown, J., was absent and did not participate.

S134087

E035845 Fourth Appellate District,
Division Two

PEOPLE v. VILLANUEVA

Petition for review denied

Brown, J., was absent and did not participate.

S134102

E036208 Fourth Appellate District,
Division Two

PEOPLE v. LEPOLO

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S134105

E035779 Fourth Appellate District,
Division Two

PEOPLE v. RAINES

Petition for review denied

Brown, J., was absent and did not participate.

S134106

B175603 Second Appellate District,
Division Six

PEOPLE v. PORTER

Petition for review denied

Brown, J., was absent and did not participate.

S134108

B173153 Second Appellate District,
Division Four

PEOPLE v. RUIZ

Petitions for review denied

Brown, J., was absent and did not participate.

S134114

F046424 Fifth Appellate District

G. (A.), IN RE

Petition for review denied

Brown, J., was absent and did not participate.

S134119

B170577 Second Appellate District,
Division Seven

PEOPLE v. RODRIGUEZ

Petition for review denied

Brown, J., was absent and did not participate.

S134121

B176431 Second Appellate District,
Division Six

PEOPLE v. JOHNSON

Petition for review denied

Brown, J., was absent and did not participate.

S134138

A105113 First Appellate District,
Division Four

PEOPLE v. ROTH

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S134139

F044354 Fifth Appellate District

PEOPLE v. JOHNSON

Petition for review denied

Brown, J., was absent and did not participate.

S134140

B173138 Second Appellate District,
Division One

PEOPLE v. MARTINEZ

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S134142

E035713 Fourth Appellate District,
Division Two

PEOPLE v. CRUSHA

Petition for review denied

Brown, J., was absent and did not participate.

S134144

A104037 First Appellate District,
Division One

PEOPLE v. CRAIG

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S134152

A104979 First Appellate District,
Division Three

PEOPLE v. GRIFFIN

Petition for review denied

Brown, J., was absent and did not participate.

S134163

A106680 First Appellate District,
Division One

PEOPLE v. MCCARTNEY

Petition for review denied

Brown, J., was absent and did not participate.

S134180

B173694 Second Appellate District,
Division Three

PEOPLE v. TURNER

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S134184

B169863 Second Appellate District,
Division Seven

PEOPLE v. FYKES

Petition for review denied

Brown, J., was absent and did not participate.

S134190

A106858 First Appellate District,
Division Five

GHOSH v. CITY OF BERKELEY

Petition for review denied

Brown, J., was absent and did not participate.

S134193

G035441 Fourth Appellate District,
Division Three

SODERSTROM v. S.C. (PEOPLE)

Petition for review denied

Brown, J., was absent and did not participate.

S134199

F043709 Fifth Appellate District

PEOPLE v. HAMETT

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S134203

D043617 Fourth Appellate District,
Division One

PEOPLE v. PALMIERI

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S134204

D043308 Fourth Appellate District,
Division One

PEOPLE v. SMITH

Petition for review denied

Brown, J., was absent and did not participate.

S134210

B175290 Second Appellate District,
Division Seven

PEOPLE v. JIMENEZ

Petition for review denied

Brown, J., was absent and did not participate.

S134211

F045650 Fifth Appellate District

PEOPLE v. SOTO

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S134212

A102596 First Appellate District,
Division Two

PEOPLE v. LOVELY

Petition for review denied

Brown, J., was absent and did not participate.

S134216

B175478 Second Appellate District,
Division One

PEOPLE v. WRIGHT

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S134222

F045701 Fifth Appellate District

PEOPLE v. LOPEZ

Petition for review denied

Brown, J., was absent and did not participate.

S134223

C041661 Third Appellate District

PEOPLE v. SINGH

Petition for review denied

Brown, J., was absent and did not participate.

S134227

B174862 Second Appellate District,
Division Six

WADE v. SAN LUIS OBISPO COUNTY

Petition for review denied

Brown, J., was absent and did not participate.

S134228

E034686 Fourth Appellate District,
Division Two

PEOPLE v. ARCURI

Petition for review denied

Brown, J., was absent and did not participate.

S134233

D044104 Fourth Appellate District,
Division One

PEOPLE v. ROSALES

Petition for review denied

Brown, J., was absent and did not participate.

S134238

F045158 Fifth Appellate District

PEOPLE v. VALENCIA

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled upon finality of *People v. Black* (June 20, 2005, S126182) __ Cal.4th __, 2005 WL 1421815 <<http://www.courtinfo.ca.gov/opinions/documents/S126182.PDF>> regarding the effect of *Blakely v. Washington* (2004) 542 U.S. __, 124 S.Ct. 2531, and *United States v. Booker* (2005) 543 U.S. __, 125 S.Ct. 738, on California law.

Brown, J., was absent and did not participate.

S134239
F044148 Fifth Appellate District

PEOPLE v. WHARRY
Petition for review denied

Brown, J., was absent and did not participate.

S134246
D044250 Fourth Appellate District,
Division One

PEOPLE v. HAWKINS
Petition for review denied

Brown, J., was absent and did not participate.

S134247
B171931 Second Appellate District,
Division Seven

PEOPLE v. BRADLEY
Petition for review denied

Brown, J., was absent and did not participate.

S134263
B174890 Second Appellate District,
Division One

PEOPLE v. TRUJILLO
Petition for review denied

Brown, J., was absent and did not participate.

S134381
C049489 Third Appellate District

OJEDA v. S.C. (PEOPLE)
Petition for review and application for stay denied

Brown, J., was absent and did not participate.

S134443
G035516 Fourth Appellate District,
Division Three

PENA v. S.C. (PEOPLE)
Petition for review and application for stay denied

Brown, J., was absent and did not participate.

S124375
A075476 First Appellate District,
Division Five

HITCHINGS (KEITH S.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S125431

HARRISON (JUAN A.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S126172

ESCARENO (JORGE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

Brown, J., was absent and did not participate.

S126205

MCDANIEL (JOSEPH LEON) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750, *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

Brown, J., was absent and did not participate.

S126517

WALKER (K. JAMEL) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S126717

KHAIMCHAYEV (MIKHAIL) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S126829

GIPSON (LARON) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S126830

MITCHELL (JOHN) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S126832

PEREZ (JOSE) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S126848

SHEPARD (CALVIN D.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S126859

ASBERRY (TONY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S126868

ROSS (ALVIN R.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J. was absent and did not participate.

S126871

YOUNG (LAUREN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

Brown, J., was absent and did not participate.

S126875

KING (JESSE STEPHEN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

Brown, J., was absent and did not participate.

S126915

DANG (SI VAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Brown, J., was absent and did not participate.

S126958

JARAMILLO (FRANCISCO) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S126961

MONTES (MARIO ROQUE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218, *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

Brown, J., was absent and did not participate.

S126968

ARROYO (AARON) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S126972

ENCISO (RAMON) ON H.C.
Petition for writ of habeas corpus denied

(See *Superintendent v. Hill* (1985) 472 U.S. 445 [105 S.Ct. 2768].)

Brown, J., was absent and did not participate.

S126989

NILSEN (VANCE H.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S126998

MALLET (JAMES E.) ON H.C.
Petition for writ of habeas corpus denied

In re Clark (1993) 5 Cal.4th 750, *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Brown, J., was absent and did not participate.

S127000

ROBINSON (DONNELL) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S127001

ESCOBEDO (HENRY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S127005

PRESTON (ROBERT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

Brown, J., was absent and did not participate.

S127014

BANKS (CHARLES E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Brown, J., was absent and did not participate.

S127021

COCKRELL (RICHARD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

Brown, J., was absent and did not participate.

S127022

PAYNE (ALLEN R.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S127027

PRINCE (THOMAS RAVON) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750, *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Brown, J., was absent and did not participate.

S127028

LEWIS (MARIO) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S127030

ROBERTS (FREDDIE LEE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Brown, J., was absent and did not participate.

S127032

WILLIAMS (GERRY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Brown, J., was absent and did not participate.

S127034

NETHERLY (JAMES R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Brown, J., was absent and did not participate.

S127037

SAN AGUSTIN (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S127038

RODRIGUEZ (NICHOLAS) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S127039

ENRIQUEZ (JAVIER ADRIAN) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S127040

OSUMI (CHRIS) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S127055

ALLEY (RICHARD L.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S127056

KIMBROUGH (ALVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

Brown, J., was absent and did not participate.

S127058

SINGH (JEFFREY K.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750, *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Brown, J., was absent and did not participate.

S127059

PEREZ (VINCENT) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S127061

WELLS (GEORGE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061; *In re Rosenkrantz* (2002) 29 Cal.4th 616.)

Brown, J., was absent and did not participate.

S127064

HAYLES (TROY) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S127090

THOMAS (JOSH) ON H.C.
Petition for writ of habeas corpus denied

(See *Harmelin v. Michigan* (1991) 501 U.S. 957;
In re Dannenberg (2005) 34 Cal.4th 1061; *In re*
Rosenkrantz (2002) 29 Cal.4th 616.)

Brown, J., was absent and did not participate.

S127099

NWOZUZU (AMAESHI) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

Brown, J., was absent and did not participate.

S127131

RUE (HAROLD D.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

Brown, J., was absent and did not participate.

S127179

WILLIAMS (EDWARD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;
In re Rosenkrantz (2002) 29 Cal.4th 616.)

Brown, J., was absent and did not participate.

S127211

KRANTZ (KENNETH) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061,
In re Rosenkrantz (2002) 29 Cal.4th 616, *In re*

Robbins (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

Brown, J., was absent and did not participate.

S127219

LOPEZ (LEONEL CANTU) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dannenberg* (2005) 34 Cal.4th 1061;
People v. Duvall (1995) 9 Cal.4th 464, 474.)

Brown, J., was absent and did not participate.

S127336

BHIMJI (RICHARD H.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S129863

NAJERA (CHRISTIAN) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S134054

BRIM (RONALD E.) ON H.C.
Petition for writ of habeas corpus denied

Brown, J., was absent and did not participate.

S134813

HAYES (JESSE L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304,
People v. Duvall (1995) 9 Cal.4th 464, 474.)

Brown, J., was absent and did not participate.

S107782

WELCH (DAVID E.) ON H.C.
Application for stay denied

Petitioner's "Application for Leave to File
Documents Under Seal Pursuant to Rule 12.5,"

filed on January 24, 2005, is granted.

Petitioner's "Application for Stay of Habeas Corpus Proceedings Pending Resolution of Petitioner's Postconviction Discovery Proceedings Pursuant to Penal Code Section 1054.9 and *In re Steele* (2004) 32 Cal.4th 682; Memorandum of Points and Authorities and Declaration of Counsel Filed Under Seal," filed on January 24, 2005, is denied.

Brown, J., was absent and did not participate.

S115079

DICKEY (COLIN RAKER) ON H.C.

Application for stay denied

Petitioner's "Application for Stay of Habeas Corpus Proceedings Pending Filing of and Resolution of Petitioner's Postconviction Discovery Motion in Superior Court," filed on April 19, 2005, is denied.

Brown, J., was absent and did not participate.

S126775

HUGHES (KRISTIN) ON H.C.

Application for stay denied

Petitioner's "Application for Stay of Habeas Corpus Proceedings Pending Filing of Petitioner's Postconviction Discovery Proceedings . . ." filed on June 20, 2005, is denied.

Brown, J., was absent and did not participate.

S133868

B175185 Second Appellate District,
Division Three

BOALES v. BLUE SHIELD OF CALIFORNIA

Publication request denied (case closed)

Brown, J., was absent and did not participate.

S134179

H027011 Sixth Appellate District

LIVE OAK ELEMENTARY SCHOOL DISTRICT v.
CITY OF CAPITOLA REDEVELOPMENT AGENCY

Publication request denied (case closed)

Brown, J., was absent and did not participate.

S025355

PEOPLE v. BRIDGES (EDWARD DEAN)

Extension of time granted

to August 29, 2005 to file supplemental opening brief.

S047867

PEOPLE v. VIRGIL (LESTER W.)

Extension of time granted

to July 5, 2005 to file appellant's opening brief. Extension is granted based upon counsel Manuel J. Baglanis's representation that he anticipates filing that brief by 7/5/2005. After that date, no further extension will be granted.

S058734

PEOPLE v. HOLMES, MCCLAIN & NEWBORN

Extension of time granted

to September 6, 2005 for appellant NEWBORN'S to file the opening brief.

S122384

STURM (GREGORY) ON H.C.

Extension of time granted

to August 1, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only two further extensions totaling about 60 additional days will be granted. Extension is granted based upon counsel Gary D. Sowards's representation that he anticipates filing that document by 10/3/2005.

S124660

RENO ON H.C.

Extension of time granted

to July 20, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only seven further extensions totaling about 215 additional days will be granted. Extension is granted based upon counsel Peter Giannini's representation that he anticipates filing that document by 2/20/2006.

S130839
C039617 Third Appellate District

LONICKI v. SUTTER HEALTH CENTRAL
Extension of time granted

to July 6, 2005 for appellant to file the opening
brief on the merits.

S131048
B160417 Second Appellate District,
Division Eight

PEOPLE v. SHABAZZ
Extension of time granted

to July 22, 2005 for appellant to file the answer
brief on the merits.

S131807
A095918 First Appellate District,
A097793 Division Four

HARRIS v. PRICEWATERHOUSECOOPERS
Extension of time granted

Plaintiffs and appellants time to file the opening
brief on the merits is extended to August 8,
2005.

S132358

MINCEY (BRYAN JOSEPH) ON H.C.
Extension of time granted

to July 27, 2005 to file the reply to the informal
response to the petition for writ of habeas
corpus.

S132433
B172981 Second Appellate District,
Division Five

BRANICK v. DOWNEY SAVINGS & LOAN
Extension of time granted

to July 25, 2005 for appellants to file the answer
brief on the merits.

S134113

TAULBEE (CHRISTOPHER) ON H.C.
Extension of time granted

to July 5, 2005 to file Attorney General's
Informal Response.

S134615

B177650 Second Appellate District,
Division One

CADLE COMPANY II, INC. v. S.C. (SHARMA)
Extension of time granted

to July 11, 2005 for Real Party in Interest
(Sharma) to file the answer to petition for
review.

S037195

PEOPLE v. KENNEDY (JERRY N.)
Counsel appointment order filed

The order appointing Michael G. Millman, as
Executive Director of the California Appellate
Project, to serve as interim habeas
corpus/executive clemency counsel of record for
appellant Jerry Noble Kennedy, filed May 1,
2002, is hereby vacated.

Judd C. Iversen is hereby appointed to
represent appellant Jerry Noble Kennedy for
habeas corpus/executive clemency proceedings
related to the above automatic appeal now
pending in this court.

Brown, J., was absent and did not participate.

S076340

PEOPLE v. NGUYEN (LAM T.)
Counsel appointment order filed

Upon request of appellant for appointment of
counsel, Richard C. Neuhoﬀ is hereby appointed
to represent appellant Lam Thanh Nguyen for
the direct appeal in the above automatic appeal
now pending in this court.

Brown, J., was absent and did not participate.

S133848

A106553 First Appellate District,
Division Two

PEOPLE v. MAYZES
Counsel appointment order filed

Janice M. Brickley is appointed to represent
appellant.

S029453

PEOPLE v. ROYBAL (RUDOLPH J.)
Motion for access to sealed record granted

Appellant's "Motion for Access to Volume 46 of the Clerk's Transcript and Volume 15 of Pre-Trial Motions Transcript," filed May 2, 2005, is granted. The clerk is directed to provide appellant with copies of the following sealed materials: Sealed volume 46 of the clerk's transcript on appeal, pages 9981–10198, filed November 4, 1996; and sealed volume PT-15 of the reporter's transcript on appeal, pages 1–7, also filed November 4, 1996.

The clerk is directed to cause the foregoing materials to remain under seal except as provided in the preceding paragraph of this order.

Brown, J., was absent and did not participate.

S134769

LOGAN v. S.C (PEOPLE)
Transferred to CA 2

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.

S134989
C049066 Third Appellate District

STEWART v. S.C. (PEOPLE)
Transferred to CA 3

The above-entitled matter is transferred to the Court of Appeal, Third Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.

